

**COUNCIL WORK SESSION  
CITY OF SKY VALLEY, GEORGIA  
OCTOBER 16, 2018 AT 9:30 AM  
696 SKY VALLEY WAY (OLD LODGE)**

**AGENDA**

- 1. Call to Order**
- 2. Adoption of Agenda**

**NEW BUSINESS**

- 3. Alpine- Two-way traffic**
- 4. Bear Ordinance**

**OTHER BUSINESS**

- 5. Adjournment**



Ella Fast &lt;cityclerk@skyvalleyga.com&gt;

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**Examples of Ordinances from DNR- - Signatures needed**

1 message

**Ella Fast** <cityclerk@skyvalleyga.com>

Tue, Aug 28, 2018 at 12:53 PM

To: Bob MacNair <bobmacnair@skyvalleyga.com>, Chip Durpo <chip@durpo.com>, Allen Piontkowski <allenp3411@gmail.com>, Paul Wheeler <Paul@paulwheeler.net>, Neil Howard <neil.hays4499@yahoo.com>, Connie Larsen <oma.folar@yahoo.com>

Cc: Chief Vaughn Estes <skyvalleychief@gmail.com>, Doug Kidd <douglas.terry.kidd@gmail.com>

Good Afternoon,

Attached are the ordinances that Ryan Watt- DNR provided at the Council Meeting.

I need each one of you to stop and sign the Executive Session form.

Thanks,  
Ella





*Ella Fast*  
*Certified Municipal Clerk*

*City of Sky Valley*  
*3444 Highway 246*  
*Sky Valley, GA 30537*  
*(706)746-2204*

[www.skyvalleyga.com](http://www.skyvalleyga.com)  
[cityclerk@skyvalleyga.com](mailto:cityclerk@skyvalleyga.com)

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**4 attachments**

-  **Bear Smart Example.pdf**  
112K
-  **Prevention of Wildlife Access to Refuse - Example.pdf**  
160K
-  **Crested Butte ordinance example.pdf**  
185K
-  **Snowmass Bear Ordinance Example.pdf**  
158K

<http://www.bearsmart.com/managing-communities/bylaws-and-ordinances/>

## Effective Bear Smart Bylaws and Ordinances

Bylaws or ordinances are a necessary part of any successful human-bear conflict management plan. Education and voluntary compliance are rarely enough to encourage everyone in a community to effectively manage potential bear attractants. And it just takes one bird feeder or poorly stored bag of dog food to sentence an unassuming bear to an early death.

Well-enforced bylaws provide the necessary stick to education's carrot. Bear Smart bylaws and ordinances prohibit the supply of unnatural foods to bears because of intent, neglect or irresponsible management of attractants. Enforcement, with escalating penalties, also needs to be implemented to ensure compliance.

Bylaws and ordinances can be tailored to address each community's particular needs, which will differ from community to community. Bylaws and ordinances can be general with blanket statements such as these:

- a prohibition on feeding bears or other wildlife, whether intentional or unintentional, by allowing access to attractants;
- mandatory bear-proofing of solid waste and/or the solid waste system.

Or they can be more specific to address particularly problematic issues such as these:

- Garbage (from temporary receptacles) at special community events (festivals, ball tournaments, concerts, etc.) must be removed at the end of each day's activities.
- No person shall fail to take remedial action to avoid contact or conflict with wildlife after being advised by the bylaw enforcement officer that such action is necessary. Remedial action may include, but is not limited to securing, in a wildlife-resistant enclosure, all garbage containers, and the removal of cooking grills or barbecues, pet food, bird feeders or any other attractants.
- Bird feeders containing seed, nuts, suet or hummingbird nectar may be allowed with certain restrictions during the non-denning period. Feeders must be suspended from a cable or other device so that they are inaccessible to bears. The area below the feeder should be kept free of accumulations of seed.
- Barbecues must be kept clean and any residual attractant must be burnt off the grill. Grease cans must be stored indoors where they are inaccessible to wildlife.
- Include community composting requirements in high-risk areas of the community or prohibit composting of organic kitchen refuse.
- Ensure that chickens, livestock or beehives are inaccessible to animals by use of properly maintained electrified fencing.

The WildSafeBC Program has compiled a "how-to" list for organizing a bylaw committee in your community, drafting a bylaw, and presenting a draft bylaw to Council. [Click here](#) to review the list.

For some examples of Bear Smart bylaws, see our [sample](#) model ordinance.

## Enforcement and Penalties

Enforcing bylaws and ordinances is essential if they are to be effective. Enforcement must be the responsibility of a law enforcement agency, such as a by-law enforcement officer, a provincial/state Wildlife Agency, or police.

A significant monetary penalty must be considered, with stiffer penalties and proceedings for multiple offences. Perhaps a written warning might be followed by a minimum fine on the first offence and a doubling of fines on subsequent offences. The penalties in some jurisdictions range from \$1000 to \$50,000.

Alternatively, people who violate bylaws or ordinances could do community service work on a human-bear conflict issue in the municipality, such as garbage clean-up in a problem area or educational outreach.

Money generated from bylaw/ordinance enforcement should go towards a special fund set aside to address human-bear conflicts, such as the purchase of additional bear-proof waste containers or the funding of education.

## **Part of a Larger Package**

Passing and enforcing laws is only a small part of an effective regulatory system. It is also important to help people understand what the rules are, why they exist, and how they can easily and cost-effectively be obeyed. Education and financial assistance can be an important part of ensuring residents and visitors willingly participate in bear-proofing your community.

A public awareness campaign should ensure that residents are aware of any new bylaws or ordinances: why they have been implemented (i.e. to prevent bears from becoming food-conditioned, and thus a threat to public safety); and what the consequences of contravening the new rules are.

Financial assistance can help increase the level of compliance. For example, rebate programs for bear-proof garbage and storage bins can make it less expensive (and therefore easier) for residents to securely store garbage, pet food and other attractants.

These programs can be initiated by local governments or non-profits and can also help generate revenue. For instance, an Adopt-a-Bin Program that allows donors to sponsor the purchase of a bear-proof garbage container (which can range in price from hundreds to thousands of dollars) in exchange for acknowledgement of their support. A sign can be placed on the adopted bin, acknowledging the generous support of the donor.

## CHAPTER \_\_\_ PREVENTION OF WILDLIFE ACCESS TO REFUSE

### Sec. 1 Definitions

**"appropriate County or City disposal site"** *[include named city or county dumps or transfer sites]*

**"approved wildlife resistant container"** as used in this Chapter shall mean a fully enclosed container with a lid which can be completely closed. The lid must have a latching mechanism, which prevents access to wildlife. Both the container and the lid must be constructed of metal or equivalent. Any container which is over filled so as to prevent latching is not a wildlife resistant container. Wildlife resistant containers must be approved by the *[e.g. sheriff, county environmental health officer – will be County specific]*. A list of approved wildlife containers will be made available by the \_\_\_\_\_. The \_\_\_\_\_ has authority to revise the list of approved wildlife resistant containers.

**"approved wildlife resistant enclosure"** as used in this Chapter shall mean a fully enclosed structure containing four walls and a roof, with one side accommodating a door. The walls of the enclosure must extend to the ground and the door can have no more than a 3/8-inch gap along the bottom. The latching device must be of a sufficient strength and design to prevent access by wild life. Ventilation openings shall be kept to a minimum and must be covered with a metal mesh or other material of sufficient strength to prevent access to wildlife. Wildlife resistant enclosures must be approved by the *[e.g. sheriff, county environmental health officer]*.

**"attractant"** any substance which could reasonably be expected to attract wildlife or does attract wildlife, including but not limited to food products, pet food, feed, compost, grain or salt.

**"commercial"** as used in this Chapter shall reference to income producing property which shall include but not be limited office buildings, apartments, and time shares.

**"domestic"** as used in this Chapter shall reference to privately owned residential property which shall include but not be limited to single family dwellings, remodeled dwellings, resale dwellings, newly constructed dwellings, condominiums, and duplexes.

**"enforcement officer"** *[will be county specific and may include animal control, County Sheriff, City Police, environmental ranger etc.]*

**"person"** as used in this Chapter will include any natural or juridical person, including but not limited to, corporations and other business entities, the United States, the state, the county, the district and any office or agency.

**"refuse"** as used in this Chapter will include all substances and materials which are an attractant to wildlife. *[Depending on existing statutory language 'refuse' may need to be changed to 'garbage' or 'rubbish' – definitions change greatly from County to County. Look for an acceptable definition in existing law]*

**"special event"** as used in this Chapter shall mean a large outdoor gathering such as a concert, conference, fair or festival with an expected or actual attendance in excess of 50 people. *[optional: may want to exclude private events such as weddings]*

**"wildlife"** as used in this Chapter shall includes any mammal which is not normally domesticated in this state, including but not limited to, bears, coyotes, foxes, mountain lions, opossums, raccoons and skunks.

## **Sec. 2 Disposal of Domestic and Commercial Refuse**

- A. All domestic and commercial refuse must be placed in one of the following:
- (1) A building, house or garage that is inaccessible to wildlife.
  - (2) An approved wildlife resistant container.
  - (3) A container that is placed in an approved wildlife resistant enclosure.
  - (4) Deposited at an appropriate County or City disposal site.

## **Sec. 3 Special Events Refuse Disposal**

- A. All outdoor special events shall be kept free from the accumulation of refuse.
- B. Refuse must be collected from the grounds of the event at the close of each day and deposited in an approved wildlife resistant container, an approved wildlife resistant enclosure or deposited at an appropriate County or City disposal site or placed in a building or which is inaccessible to wildlife.

## **Sec. 4 Construction Site Refuse Disposal**

- A. All construction sites must have a designated container that receives refuse. The container must be either an approved wildlife resistant container, stored in an approved wildlife resistant enclosure or emptied at the end of each day and stored in a building or trailer.

## **Sec. 5 Wildlife Resistant Containers or Enclosures Available for Public Use**

- A. Wildlife resistant containers or enclosures will be available for refuse deposit at the following [County/City Dump or Transfer Station] locations when the facilities are open and accessible to the public:
- (1) [named dump or transfer station]
  - (2) [named dump or transfer station]
  - (3) [named dump or transfer station]
- B. The provision of approved wildlife resistant containers or approved wildlife resistant enclosures at the above locations does not relieve any person for complying with any requirement of this Chapter.

## **Sec. 6 Additional Provisions to Minimize Bear/Human Conflicts**

- A. No person shall fail to take remedial action to avoid contact or conflict with bears after being advised by the [enforcement officer] that such action is necessary. Remedial action may include, but is not limited to removal of cooking grills, pet food, bird feeders or any other attractants.
- B. Further, after an initial contact or conflict with a bear, no person shall continue to provide, or otherwise fail to secure or remove, any likely food sources or attractants, including, but not limited to, grills, pet food or bird feeders.

### **Sec. 7 Enforcement**

- A. [Enforcement officers/agency – name] shall issue citations and summons and assess penalties for any violation of this Chapter.
- B. [Enforcement officers/agency – name] have the authority to assess the need for remedial action necessary to avoid bear contact or conflict pursuant to Section 5 of this Chapter.

### **Sec. 8 Penalties**

- A. Any violation of this Chapter shall be subject to the following [mandatory] penalties:
  - (1) First violation: Written citation and warning that if preventative measures are not implemented, offender may be required to install an approved wildlife resistant container at his/her expense.
  - (2) Second violation: Offender will be required to install an approved wildlife resistant container at his/her expense.
  - (3) Third violation: Offender will be required to install an approved wildlife resistant container at his/her expense and pay a fine equal to the cost of an approved wildlife resistant container.
- B. In addition to the fines above the enforcement officer will issue a summons for the third and each subsequent violation of this Chapter, which occurs within two years.
- C. Each day that a violation continues or occurs will be considered a new violation for the purpose of assessing penalties under this chapter.
- D. All fines paid will be deposited into a special account to be used for assisting low-income families with installation of approved wildlife resistant containers and paying for the development and dissemination of educational materials.

### **Sec. 9 Enactment**

This Chapter will become effective on \_\_\_\_\_.

**ORDINANCE NO. 10  
SERIES 2007**

**AN ORDINANCE AMENDING ARTICLE 6-3 OF THE 1987  
CRESTED BUTTE MUNICIPAL CODE BY AMENDING THE  
DEFINITIONS OF REFUSE CONTAINERS, AMENDING THE  
PLACEMENT OF TRASH FOR PICKUP, AND ADDING ARTICLE  
6-4, WILDLIFE PROTECTION**

**WHEREAS**, the Town of Crested Butte, Colorado (the "**Town**") is a home rule municipality duly and regularly organized and now validly existing as a body corporate and politic under and by virtue of the Constitution and laws of the State of Colorado;

**WHEREAS**, the Town Council has determined the 1987 Crested Butte Municipal Code, as amended (the "**Code**"), which regulates refuse collection, requires amendment to define refuse containers, placement for collection, and adding a wildlife protection article; and

**WHEREAS**, the Town Council has found that the amendments contained herein are necessary to protect the health, safety and welfare of the inhabitants of the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT,**

**Section 1. Adding Town Approved Polycarts to the Listing of Refuse Containers.** Section 6-3-5 B. is hereby amended by adding the following:

"5) In place of the above listed containers, a Town approved bear resistant polycart."

**Section 2. Amending Placement of Containers.** Section 6-3-5 D. is hereby amended by deleting said Section in its entirety and replacing it with the following:

"D) No resident shall place and keep a refuse container for curbside pickup except between the hours of 6:00 a.m. and 6:00 p.m. of the day for scheduled collection."



**Section 3. Adding a Wildlife Protection Article.** There is hereby added the following Article 6-4 to the Code:

**"ARTICLE 6-4**

**WILDLIFE PROTECTION**

**Section 6-4-1. Definitions.** The definitions and terms used in this Article 6-4 are defined as follows:

- A) "Wildlife" means any non-domestic animal indigenous to the Crested Butte area including, but not limited to, bear, elk, deer, raccoon, coyote, beaver, skunk, badger, bobcat, mountain lion, porcupine, fox and magpie.
- B) "Wildlife resistant refuse container" means any fully enclosed polycart or metal container with lid. The lid must have a latching mechanism, which prevents access to the contents by wildlife. Wildlife resistant containers must be approved by the Town or its contractor.
- C) "Wildlife resistant dumpster" means dumpster with metal lid(s) that have a latching device which prevents wildlife access to its contents.
- D) "Enforcement officer" means any Town of Crested Butte Marshal, Community Service Officer or designated Town of Crested Butte official.

**Section 6-4-2. Wildlife Resistant Refuse Containers or Enclosure Required.**

- A) Any refuse container, whether residential or commercial, regardless of size, that receives refuse which is edible by wildlife shall be (1) an approved wildlife resistant refuse container, (2) a wildlife resistant dumpster, or (3) a refuse container which is stored within a building, house or garage.
- B) Any restaurant waste grease must be deposited in a wildlife proof commercial grease container or a container which is stored within a building, house or garage.

**Section 6-4-3. Maintenance and operation of wildlife resistant refuse containers and dumpsters.**

- A) Wildlife resistant refuse containers and dumpsters must be kept closed and secure when refuse is not being deposited.
- B) If a container or dumpster is damaged, allowing access by wildlife, repairs or replacement must be made within ten (10) days after written notification by a Town of Crested Butte designated official.

**Section 6-4-4. Residential Refuse Disposal.**

- A) All residential containers that receive refuse edible by wildlife must be secured inside the home, garage or wildlife resistant trash enclosure. Residents unable to keep their refuse container inside the home or garage shall store their refuse in a wildlife resistant refuse container.
- B) Residents with curbside pickup shall place their refuse containers at the curb only on the morning of pickup. After pickup the containers must be re-secured inside the home or garage by 6:00 p.m. Wildlife resistant containers must also be removed from curb after pickup by 6:00 p.m.

**Section 6-4-5. Feeding of Wildlife.**

- A) No person shall knowingly leave or store any refuse, food product, pet food or grain in a manner which would constitute a lure attraction or enticement of wildlife.
- B) Bird feeders are permitted; however, between the dates of April 15 and November 15, all feeders must be suspended on a cable or other device so that they are inaccessible to bears and the area below said feeders must be kept free from the accumulation of seed debris.

**Section 6-4-6. Construction Site Refuse Disposal.** All construction sites must have a designated container that receives refuse edible by wildlife. This container shall be either a wildlife resistant refuse container, or a container that is emptied at the end of each workday and then securely stored inside a trailer or building.

**Section 6-4-7. Interference with Enforcement Officer.** No person shall interfere with, molest, hinder or impede any Enforcement Officer in the discharge of his/her duties as herein prescribed or violate any of the provisions of this article.

**Section 6-4-8. Enforcement.**

- A) Enforcement Officers may issue a warning notice, a citation requiring the purchase of a wildlife resistant refuse container or a summons and complaint to any person in violation of this Article 6-4.
- B) An Enforcement Officer shall have the right to inspect property concerning any wildlife concern or potential wildlife attractant.

**Section 6-4-9. Penalty Assessment.** The violation of any provision of this Article 6-4 by any person or business shall be unlawful and subject to be fined an amount not to exceed \$1,000 for each offense. Each day that such violation continues to exist shall be deemed a separate offense."

**Section 4. Severability.** If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance as an entirety, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

**Section 5. Savings Clause.** Except as hereby amended the Code shall remain valid and in full force and effect. Any provision of any ordinance previously adopted by the Town of Crested Butte which is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

**INTRODUCED, AND FIRST READ BEFORE THE TOWN COUNCIL THIS 2 DAY OF APRIL, 2007.**

**ADOPTED BY THE TOWN COUNCIL UPON SECOND READING AND PUBLIC HEARING THIS 7 DAY OF May, 2007**

**TOWN OF CRESTED BUTTE, COLORADO**

By: \_\_\_\_\_  
**Alan Bernholtz, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Eileen Hughes, Town Clerk**

**SEAL**

**ORDINANCE NO. 10  
SERIES 2007**

**AN ORDINANCE AMENDING ARTICLE 6-3 OF THE 1987  
CRESTED BUTTE MUNICIPAL CODE BY AMENDING THE  
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**WHEREAS**, the Town Council has determined the 1987 Crested Butte Municipal Code, as amended (the "**Code**"), which regulates refuse collection, requires amendment to define refuse containers, placement for collection, and adding a wildlife protection article; and

**WHEREAS**, the Town Council has found that the amendments contained herein are necessary to protect the health, safety and welfare of the inhabitants of the Town.

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**Section 2. Amending Placement of Containers.** Section 6-3-5 D. is hereby amended by deleting said Section in its entirety and replacing it with the following:

"D) No resident shall place and keep a refuse container for curbside pickup except between the hours of 6:00 a.m. and 6:00 p.m. of the day for scheduled collection."

**Section 3. Adding a Wildlife Protection Article.** There is hereby added the following Article 6-4 to the Code:

**"ARTICLE 6-4**

**WILDLIFE PROTECTION**

**Section 6-4-1. Definitions.** The definitions and terms used in this Article 6-4 are defined as follows:

- A) "Wildlife" means any non-domestic animal indigenous to the Crested Butte area including, but not limited to, bear, elk, deer, raccoon, coyote, beaver, skunk, badger, bobcat, mountain lion, porcupine, fox and magpie.
- B) "Wildlife resistant refuse container" means any fully enclosed polycart or metal container with lid. The lid must have a latching mechanism, which prevents access to the contents by wildlife. Wildlife resistant containers must be approved by the Town or its contractor.
- C) "Wildlife resistant dumpster" means dumpster with metal lid(s) that have a latching device which prevents wildlife access to its contents.
- D) "Enforcement officer" means any Town of Crested Butte Marshal, Community Service Officer or designated Town of Crested Butte official.

**Section 6-4-2. Wildlife Resistant Refuse Containers or Enclosure Required.**

- A) Any refuse container, whether residential or commercial, regardless of size, that receives refuse which is edible by wildlife shall be (1) an approved wildlife resistant refuse container, (2) a wildlife resistant dumpster, or (3) a refuse container which is stored within a building, house or garage.
- B) Any restaurant waste grease must be deposited in a wildlife proof commercial grease container or a container which is stored within a building, house or garage.

**Section 6-4-3. Maintenance and operation of wildlife resistant refuse containers and dumpsters.**

- A) Wildlife resistant refuse containers and dumpsters must be kept closed and secure when refuse is not being deposited.
- B) If a container or dumpster is damaged, allowing access by wildlife, repairs or replacement must be made within ten (10) days after written notification by a Town of Crested Butte designated official.

**Section 6-4-4. Residential Refuse Disposal.**

- A) All residential containers that receive refuse edible by wildlife must be secured inside the home, garage or wildlife resistant trash enclosure. Residents unable to keep their refuse container inside the home or garage shall store their refuse in a wildlife resistant refuse container.
- B) Residents with curbside pickup shall place their refuse containers at the curb only on the morning of pickup. After pickup the containers must be re-secured inside the home or garage by 6:00 p.m. Wildlife resistant containers must also be removed from curb after pickup by 6:00 p.m.

**Section 6-4-5. Feeding of Wildlife.**

- A) No person shall knowingly leave or store any refuse, food product, pet food or grain in a manner which would constitute a lure attraction or enticement of wildlife.
- B) Bird feeders are permitted; however, between the dates of April 15 and November 15, all feeders must be suspended on a cable or other device so that they are inaccessible to bears and the area below said feeders must be kept free from the accumulation of seed debris.

**Section 6-4-6. Construction Site Refuse Disposal.** All construction sites must have a designated container that receives refuse edible by wildlife. This container shall be either a wildlife resistant refuse container, or a container that is emptied at the end of each workday and then securely stored inside a trailer or building.

**Section 6-4-7. Interference with Enforcement Officer.** No person shall interfere with, molest, hinder or impede any Enforcement Officer in the discharge of his/her duties as herein prescribed or violate any of the provisions of this article.

**Section 6-4-8. Enforcement.**

- A) Enforcement Officers may issue a warning notice, a citation requiring the purchase of a wildlife resistant refuse container or a summons and complaint to any person in violation of this Article 6-4.
- B) An Enforcement Officer shall have the right to inspect property concerning any wildlife concern or potential wildlife attractant.

**Section 6-4-9. Penalty Assessment.** The violation of any provision of this Article 6-4 by any person or business shall be unlawful and subject to be fined an amount not to exceed \$1,000 for each offense. Each day that such violation continues to exist shall be deemed a separate offense."

**Section 4. Severability.** If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance as an entirety, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

**Section 5. Savings Clause.** Except as hereby amended the Code shall remain valid and in full force and effect. Any provision of any ordinance previously adopted by the Town of Crested Butte which is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

**INTRODUCED, AND FIRST READ BEFORE THE TOWN COUNCIL THIS 2 DAY OF APRIL, 2007.**

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**TOWN OF CRESTED BUTTE, COLORADO**

**By:** \_\_\_\_\_  
**Alan Bernholtz, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Eileen Hughes, Town Clerk**

**SEAL**

## **CHAPTER 7**

### **ARTICLE VI**

#### **Wildlife Protection**

##### **Sec. 7-151. Definitions.**

The definitions and terms used in this Chapter, unless the context otherwise indicates, are herewith defined as follows:

- (1) *Wildlife* means any medium to large size non-domestic mammal indigenous to the Town of Snowmass Village including but not limited to, black bear, mule deer, elk, raccoon, coyote, beaver, skunk, badger, bobcat, mountain lion, porcupine and fox.
- (2) *Wildlife Resistant Refuse Container* means a fully enclosed metal container with a metal lid. The lid must have a latching mechanism, which prevents access to the contents by wildlife. Wildlife Resistant Refuse Containers must be approved by the Chief of Police and the Director of Public Works.
- (3) *Wildlife Resistant Dumpster Enclosure* means a fully enclosed structure consisting of four sides and a roof, with one side accommodating a door. The sides of the structure must extend to the ground and the door can not have more than a two-inch gap along the bottom. The door must have a latching device of sufficient design and strength to prevent access by wildlife. Ventilation openings shall be kept to a minimum and must be covered with a heavy gauge steel mesh or other material of sufficient strength to prevent access. Wildlife Resistant Dumpster Enclosures must be approved by the Chief of Police and the Director of Public Works.
- (4) *Special Event* means a large, outdoor gathering such as a concert, conference, festival or rodeo.

##### **Sec. 7-152. Wildlife Resistant Refuse Containers or Enclosures Required.**

Between the dates of April 15 and November 15, all refuse containers regardless of size, that receive refuse edible by bears or other wildlife shall be either an approved Wildlife Resistant Refuse Container, or a refuse container which is stored within a building, house, garage, or approved Wildlife Resistant Dumpster Enclosure.

##### **Sec. 7-153. Maintenance and Operation of Wildlife Resistant Refuse Containers and Dumpster Enclosures.**

- a. Wildlife Resistant Refuse Containers and Dumpster Enclosures must be kept closed and secure when refuse is not being deposited.
- b. If a container or enclosure is damaged, allowing access by bears or other wildlife, repairs must be made within 24 hours after written notification by the Police Department.



**Sec. 7-154. Residential Refuse Disposal.**

- a. All containers that receive refuse edible by bears or other wildlife must be secured inside the home or garage. Residents unable to keep their refuse container inside the home or garage shall store their refuse in a Wildlife Resistant Refuse Container or Enclosure approved by the Police Department.
- b. Residents with curbside pickup shall place their refuse containers at the curb only on the day of pickup. After pickup, the containers must be re-secured inside the home, garage or Wildlife Resistant Dumpster Enclosure by 6 p.m.

**Sec. 7-155. Special Event Refuse Disposal.**

Outdoor Special Event sites shall be kept free from the accumulation of refuse edible by wildlife. Refuse must be collected from the grounds at the close of each day's activities and shall be deposited in Wildlife Resistant Containers or Enclosures, or be removed to an appropriate disposal site.

**Sec. 7-156. Construction Site Refuse Disposal.**

All construction sites must have a designated container that receives refuse edible by bears and other wildlife. This container shall be either a Wildlife Resistant Refuse Container, or a container that is emptied at the end of each workday and then securely stored inside a trailer or building.

**Sec. 7-157. Feeding of Wildlife.**

- a. No person shall knowingly leave or store any refuse, food product, pet food, grain or salt in a manner which would constitute a lure, attraction or enticement of wildlife.
- b. Birdfeeders are allowed. However, between the dates of April 15th and November 15th, all feeders must be suspended on a cable or other device so that they are inaccessible to bears and the area below the feeders must be kept free from the accumulation of seed debris.

**Sec. 7-158. Interference with Animal Control Officer.**

No person shall interfere with, molest, hinder or impede the Animal Control Officer in the discharge of his or her duties as herein prescribed, or to violate any of the provisions of this Article. (Ord. 3-1992 §2)

**Sec. 7-159. Enforcement.**

- a. Police or Animal Control Officers shall have the power to issue summonses and complaints for violations of this Article, as well as to issue warning notices to persons in violation of the provisions of this Article.
- b. Police or Animal Control Officers shall have the right to enter any premises in the Town at reasonable hours to enforce the provisions of this Article.



**Sec. 7-160. Compliance Required and Time Period.**

Any dumpster enclosure or refuse container shall be brought into conformity with the wildlife protection provisions of this Article within a period not to exceed sixty days from the effective date of this Ordinance. Upon application to the Chief of Police, and showing a hardship by any owner of a dumpster enclosure or refuse container required to comply with this Article, the Chief of Police may grant an extension, for a reasonable period of time, within which to comply with the provisions of this Article.

**Sec. 7-161. Penalty assessment.**

The following penalty assessments are declared to be mandatory and minimum:

**Wildlife Resistant Refuse Container (Sec. 7-152):**

First offense within 1 year	\$ 50.00
Second offense within 1 year	250.00
Third offense within 1 year	Summons

**Maintenance of Wildlife Resistant Refuse Containers and Wildlife Resistant Dumpster Enclosures (Sec. 7-153):**

First offense within 1 year	50.00
Second offense within 1 year	250.00
Third offense within 1 year	Summons

**Residential Refuse Disposal (Sec. 7-154):**

First offense within 1 year	50.00
Second offense within 1 year	250.00
Third offense within 1 year	Summons

**Special Event Refuse Disposal (Sec. 7-155):**

First offense within 1 year	250.00
Second offense within 1 year	500.00
Third offense within 1 year	Summons

**Construction Site Refuse Disposal (Sec. 7-156):**

First offense within 1 year	250.00
Second offense within 1 year	500.00
Third offense within 1 year	Summons

**Feeding of Wildlife (Sec. 7-157):**

First offense within 1 year	\$50.00
Second offense within 1 year	250.00
Third offense within 1 year	Summons

**Secs. 7-162–7-175. Reserved.**

## CHAPTER 7

### ARTICLE VI

#### Wildlife Protection

##### **Sec. 7-151. Definitions.**

The definitions and terms used in this Chapter, unless the context otherwise indicates, are herewith defined as follows:

- (1) *Wildlife* means any medium to large size non-domestic mammal indigenous to the Town of Snowmass Village including but not limited to, black bear, mule deer, elk, raccoon, coyote, beaver, skunk, badger, bobcat, mountain lion, porcupine and fox.
- (2) *Wildlife Resistant Refuse Container* means a fully enclosed metal container with a metal lid. The lid must have a latching mechanism, which prevents access to the contents by wildlife. Wildlife Resistant Refuse Containers must be approved by the Chief of Police and the Director of Public Works.
- (3) *Wildlife Resistant Dumpster Enclosure* means a fully enclosed structure consisting of four sides and a roof, with one side accommodating a door. The sides of the structure must extend to the ground and the door can not have more than a two-inch gap along the bottom. The door must have a latching device of sufficient design and strength to prevent access by wildlife. Ventilation openings shall be kept to a minimum and must be covered with a heavy gauge steel mesh or other material of sufficient strength to prevent access. Wildlife Resistant Dumpster Enclosures must be approved by the Chief of Police and the Director of Public Works.
- (4) *Special Event* means a large, outdoor gathering such as a concert, conference, festival or rodeo.

##### **Sec. 7-152. Wildlife Resistant Refuse Containers or Enclosures Required.**

Between the dates of April 15 and November 15, all refuse containers regardless of size, that receive refuse edible by bears or other wildlife shall be either an approved Wildlife Resistant Refuse Container, or a refuse container which is stored within a building, house, garage, or approved Wildlife Resistant Dumpster Enclosure.

##### **Sec. 7-153. Maintenance and Operation of Wildlife Resistant Refuse Containers and Dumpster Enclosures.**

- a. Wildlife Resistant Refuse Containers and Dumpster Enclosures must be kept closed and secure when refuse is not being deposited.
- b. If a container or enclosure is damaged, allowing access by bears or other wildlife, repairs must be made within 24 hours after written notification by the Police Department.

**Sec. 7-154. Residential Refuse Disposal.**

- a. All containers that receive refuse edible by bears or other wildlife must be secured inside the home or garage. Residents unable to keep their refuse container inside the home or garage shall store their refuse in a Wildlife Resistant Refuse Container or Enclosure approved by the Police Department.
- b. Residents with curbside pickup shall place their refuse containers at the curb only on the day of pickup. After pickup, the containers must be re-secured inside the home, garage or Wildlife Resistant Dumpster Enclosure by 6 p.m.

**Sec. 7-155. Special Event Refuse Disposal.**

Outdoor Special Event sites shall be kept free from the accumulation of refuse edible by wildlife. Refuse must be collected from the grounds at the close of each day's activities and shall be deposited in Wildlife Resistant Containers or Enclosures, or be removed to an appropriate disposal site.

**Sec. 7-156. Construction Site Refuse Disposal.**

All construction sites must have a designated container that receives refuse edible by bears and other wildlife. This container shall be either a Wildlife Resistant Refuse Container, or a container that is emptied at the end of each workday and then securely stored inside a trailer or building.

**Sec. 7-157. Feeding of Wildlife.**

- a. No person shall knowingly leave or store any refuse, food product, pet food, grain or salt in a manner which would constitute a lure, attraction or enticement of wildlife.
- b. Birdfeeders are allowed. However, between the dates of April 15th and November 15th, all feeders must be suspended on a cable or other device so that they are inaccessible to bears and the area below the feeders must be kept free from the accumulation of seed debris.

**Sec. 7-158. Interference with Animal Control Officer.**

No person shall interfere with, molest, hinder or impede the Animal Control Officer in the discharge of his or her duties as herein prescribed, or to violate any of the provisions of this Article. (Ord. 3-1992 §2)

**Sec. 7-159. Enforcement.**

- a. Police or Animal Control Officers shall have the power to issue summonses and complaints for violations of this Article, as well as to issue warning notices to persons in violation of the provisions of this Article.
- b. Police or Animal Control Officers shall have the right to enter any premises in the Town at reasonable hours to enforce the provisions of this Article.



**Sec. 7-160. Compliance Required and Time Period.**

Any dumpster enclosure or refuse container shall be brought into conformity with the wildlife protection provisions of this Article within a period not to exceed sixty days from the effective date of this Ordinance. Upon application to the Chief of Police, and showing a hardship by any owner of a dumpster enclosure or refuse container required to comply with this Article, the Chief of Police may grant an extension, for a reasonable period of time, within which to comply with the provisions of this Article.

**Sec. 7-161. Penalty assessment.**

The following penalty assessments are declared to be mandatory and minimum:

**Wildlife Resistant Refuse Container (Sec. 7-152):**

First offense within 1 year	\$ 50.00
Second offense within 1 year	250.00
Third offense within 1 year	Summons

**Maintenance of Wildlife Resistant Refuse Containers and Wildlife Resistant Dumpster Enclosures (Sec. 7-153):**

First offense within 1 year	50.00
Second offense within 1 year	250.00
Third offense within 1 year	Summons

**Residential Refuse Disposal (Sec. 7-154):**

First offense within 1 year	50.00
Second offense within 1 year	250.00
Third offense within 1 year	Summons

**Special Event Refuse Disposal (Sec. 7-155):**

First offense within 1 year	250.00
Second offense within 1 year	500.00
Third offense within 1 year	Summons

**Construction Site Refuse Disposal (Sec. 7-156):**

First offense within 1 year	250.00
Second offense within 1 year	500.00
Third offense within 1 year	Summons

**Feeding of Wildlife (Sec. 7-157):**

First offense within 1 year	\$50.00
Second offense within 1 year	250.00
Third offense within 1 year	Summons

**Secs. 7-162–7-175. Reserved.**